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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 007157

SIPDIS

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TAGS: [MARR](#) [ELAB](#) [ECPS](#) [ECON](#) [TU](#)

SUBJECT: DEFENSE AND ECONOMIC COOPERATION AGREEMENT
INSPECTIONS OCTOBER 20-24, 2003

(U) Classified by Charge Robert Deutsch. Reasons: 1.5 b and d.

1. (C) Summary: The annual Defense and Economic Cooperation Agreement (DECA) inspections occurred the week of October 20-24, 2003 in Ankara, Izmir and Incirlik. While talks between the two sides became tense during discussions of a small number of specific issues, the overall mood of the inspections remained positive, and both sides agreed that positive steps had been made in resolving outstanding issues. Differences remained on the issues of dependent hires, carrying of weapons off base by Air Force Office of Special Investigations officers (AFOSI), the maintenance of an Air Postal Office (APO) service, and the clean-up of a U.S. landfill in Incirlik. Progress was made in most of these, however, none were resolved outright. Although they appear minor, the Turkish General Staff pursues them energetically during the inspection as a means to remind the US side of the military's more general unhappiness with declining US assistance levels. End summary.

2. (C) Although most issues that arose during the 2003 DECA inspection were amicably resolved, several issues saw significant differences which the participants could not bridge. These issues were:

-- Dependent Hires: Participating in the DECA discussions was Murat Ayhan Basaran of the Ministry of Labor. Basaran used the forum to inform the U.S. side that in February 2003 Turkish Labor Law No. 4817, concerning the employment of foreigners in Turkey, went into effect. Basaran, who claimed to have received authority from the Minister of Labor to resolve this outstanding DECA issue, sought to find a way in which the U.S. could work with the Turkish side to fit its dependent hires into the parameters of the new law. The Turkish side proposed that as a first step the U.S. provide a list of dependent hires and their positions, and that these employees begin the application process for formal approval. The U.S. side explained its reservations regarding the issue, primarily that they did not want Turkey to influence dependent hires through quotas or lengthy bureaucratic applications. The U.S. side insisted that dependent hires was an extremely sensitive issue, and explained that if service personnel could not be assured that their spouses could work on-base in Turkey, then they might opt not to serve in Turkey. In this sense, the U.S. judged dependent hires to be "mission critical" issue. The U.S. side explained that these jobs relied on the U.S. base economy, they did not compete with or detract from the local economy. After a lengthy, heated discussion, both sides agreed that this issue could not be resolved during the DECA inspections. For its part, the U.S. side prefers to pass it up the command chain, obtain a position and then meet with the Turks to convey that position. In side bar discussions between PolMil officer and MFA Head of America's desk Cihad Erginay, Erginay questioned the wisdom of the U.S. reluctance to bring closure to this issue. He insisted that Turkey was not seeking to change the situation, and that they only wanted to accommodate U.S. practices into the Turkish law. He offered assurance that Turkey would remain flexible in the administering of this law to U.S. interests, and suggested that having a written and legal agreement for U.S. dependent hires was also in American interests as it could offer protection from possible future moves to end this practice.

-- AFOSI Activities: The Turkish side raised strong objection to the practice of AFOSI officers carrying weapons off Incirlik base. The Turks insisted that the U.S. must respect Turkish laws. In response, the U.S. stated that this was done only when duties so required. In addition, the Turkish side raised objection to AFOSI officers traveling off base and meeting with local security officers from the Turkish National Police, the Jandarma local city police, etc. The Turks (who were mainly from TGS) insisted that such activities should be coordinated through the Turkish 10th Tanker base commander at Incirlik Air Base. AFOSI reps insisted that it was essential for them to travel to areas to where U.S. military personnel would be traveling in order to assess the security environment. Such assessment required

direct contact with the local Turkish authorities, and would only be hampered by routing all such work through the 10th Tanker Base Commander. The Turks were unmoved and insisted that AFOSI activities ran counter to the DECA and the NATO SOFA. This paragraph states, "The Turkish Installation Commander shall be responsible for relations with local Turkish authorities...." U.S. lawyers disagreed, insisting the Article 6 of the NATO SOFA sanctioned such AFOSI activities "when they are authorized...by their orders." It was agreed that this issue could not be resolved during the inspections but both sides would continue to pursue resolution at the appropriate level. (Comment: The real issue the Turkish Military has with AFOSI is likely a desire for greater control: The Turks objected to any actions taken by a U.S. investigative service that were not coordinated with the Turkish base command, be it carrying weapons or conducting liaison meetings with local counterparts. End comment.)

-- APO: The Turkish position regarding the APO was quite clear. Like many other countries in which the U.S. operates an APO, Turkey wanted a legal agreement to codify this operation. The U.S. insisted that the issue of personal mail was even more sensitive than that of dependent hires. The Turks requested that the U.S. side allow them to peruse a sample APO agreement from another country. The U.S. side countered by proposing that a meeting be held in Ankara at which a draft agreement could be discussed with the Turks on text. Final agreement was reached to hold this meeting at which the U.S. side would bring a sample APO agreement and discuss the agreement with the Turks.

-- Land Fill: A rather contentious environmental issue was the future of a U.S.-used land fill on Incirlik. The U.S. had completed an environmental survey and determined that the land fill could be completely sealed off through an 8 million dollar encasement project. The Turks accepted this idea but demanded a time frame for the initiation and completion of the work. The U.S. side repeatedly explained that limited resources and shifting priorities made it impossible to offer a date by which this project would be completed. The issue was not resolved; and discussion was simply dropped.

13. (C) Comment: The GOT - and TGS in particular - has long grumbled about how the U.S. has failed to live up to the letter and spirit of the DECA. While the issues discussed at this year,s DECA inspections appear minor, they reflect TGS,s concern that Turkey is not getting a fair return for allowing the US to use it bases. TGS has advised us that they intend to use this year,s HLDG to reiterate their displeasure at what they perceive to be a gap between the letter of the DECA and the USG,s track record on implementation. We hope that they leave the HLDG convinced that our relationship is about much more than aid that continues to be relatively robust given Turkey's level of development. Such an outcome would facilitate resolution of DECA-related issues. End Comment.
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